

EEOC PROPOSES SEPTEMBER 30, 2019 DEADLINE FOR EMPLOYERS TO SUBMIT PAY DATA

Apr 11, 2019

In court documents filed on April 3, 2019, the Equal Employment Opportunity Commission (“EEOC”) announced that employers may be required to submit pay data to the agency by September 30, 2019.

The filing was made after Judge Tanya S. Chutkan of the U.S. District Court for the District of Columbia ordered the EEOC to describe when and how it will comply with the Court’s March 4th Order lifting the White House’s Office of Management and Budget’s August 2017 stay on the EEOC’s collection of pay data.

Pay data has received much attention from employers and advocates alike since the Court’s March 4th Order, but the EEOC has largely remained silent until this recent filing. For example, on March 18, 2019, when the EEOC opened its online portal for filing EEO-1 reports for 2018 (which are due by May 31, 2019), the portal did not include any request for pay data. Instead, the agency issued a statement that same day noting that it was “working diligently on next steps” regarding the collection of pay data.

In addition to identifying a date by when employers may need to submit pay data, the EEOC’s April 3rd filing also proposes that employers only be required to submit pay data for 2018 (rather than 2017 and 2018) and describes the agency’s plan to use a data and analytics contractor to develop a new reporting program to collect the data.

The September 30, 2019 deadline, however, is not set in stone. Worker advocates objected to the EEOC’s proposal on April 8, 2019 and requested that the Court, among other things, order the EEOC to collect pay data by May 31, 2019. The Court has not yet ruled on the parties’ competing proposals, so in the meantime, employers should begin reviewing their collection processes to ensure that they are prepared to collect and report the required pay data.

Bryan Cave Leighton Paisner LLP has a team of knowledgeable lawyers and other professionals prepared to help employers review and comply with EEO-1 reporting obligations. If you or your organization would like more information or assistance in preparing EEO-1 reports, please contact

an attorney in the Labor and Employment practice group or your regular Bryan Cave Leighton Paisner LLP contact.

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